Apr. 25. 2016 2:40PM



#388

THE COMMONWEALTH OF MASSACHUSETTS Office of the Secretary of State

Notice of Compliane Regulation Filing To be	ce completed by filing agency		
CHAPTER NUMBER: _13	O CMR 515.000		•
CHAPTER TITLE: MassHe	ealth: General Policies		· · · · · · · · · · · · · · · · · · ·
AGENCY: Division of Medic	al Assistance		
	ORIGINALLY ADOPTED AS sachuseits Register Number		
PRIOR NOTIFICATION A If prior notification list each notifica Advisory Commiss	to and/or approval of the C tion, approval and date, i	ioverno Includir	or, legislature or others was required, ng notice to the Local Governmen
	munities and Development: 9/15/0 il Association: 9/18/00 /19/00	0	
appropriate news least 21 days prio	hearing or comment period fi papers and sent to persons r to such hearing or commen ublic hearing or comment p	to wh t period	
Publication To be compl	eted by the Regulations Divi	sion	
MASSACHUSETTS REGI	STER NUMBER:908	.	DATE:11/10/00
EFFECTIVE DATE: 8/3	31/00	_	·
CODE OF MASSACHUS	ETTS REGULATIONS		etainen oon ja to territoriaansen suuritoriaansen ja too territoriaansen suuritoriaansen suuritoriaansen suuri
Remove these pages: CMR: Vol.	Insert these pages:		ATRUE COPY ATTEST
771 - 774	771 - 774		WILLIAM FRANCIS GALVIN SECRETARY OF THE CUMMONWEALTH DATE / 10/18/00 CLERK KCK

130 CMR 515.000: MASSHBALTH: GENERAL POLICIES

Section

515.001: Definition of Terms 515.002: Introduction to MassHealth 515.003: MassHealth Coverage Types 515.004: Administration of MassHealth 515.005: Receiving Public Assistance from Another State 515.006: Massachusetts Commission for the Blind 515.007: Rights of Applicants and Members 515,008: Responsibilities of Applicants and Members 515.009: Referrals to Investigative Units 515.010: Recovery of Overpayment of Medical Benefits 515.011: Estate Recovery 515.012: Real Estate Liens 515.013: Voter Registration

515.001: Definition of Terms

The terms listed below have the following meanings for purposes of MassHealth as described in 130 CMR 515.000 through 523.000.

515.014: Long-Term-Care Insurance Minimum Coverage Requirements for MassHealth Exemptions

Activities of Daily Living (ADIs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting,

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time or for life.

Appeal — a written request by an aggrieved applicant or member for a fair hearing.

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - a form prescribed by the Division to be completed by the applicant or a representative, and submitted to the Division as a request for MassHealth benefits.

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(a)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.

Blindness — a visual impairment as defined in Thio XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a 10° radius or less, regardless of the visual aculty.

Burial Trust - a trust established by an individual solely for funeral expenses, burial expenses, or both.

Business Day - any day during which the Division's offices are open to serve the public.

Caretaker Relative - an adult who is the primary care giver for a child, is related to the child by blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is living in the home.

11/10/00 (Effective 8/31/00)

NOV 0 8 2002

١



#467

THE COMMONWEALTH OF MASSACHUSETTS Office of the Secretary of State

Regulation Filing To be	ce completed by filting agency		
CHAPTER NUMBER: _13	0 CMR 515.000		
CHAPTER TITLE: MassF	Iealth: General Policies	<u>.</u>	· · ·
AGENCY: Division of Med	ical Assistance		
THIS REGULATION WAS Published in the Mas	6 ORIGINALLY ADOPTED A sachusetts Register Numbe	AS AN EM er: <u>956</u>	ERGENCY: Date:
PRIOR NOTIFICATION A If prior notification list each notifica Advisory Commiss	n to and/or approval of the tton, :approval and date,	Governor, including	legislature or others was required, notice to the Local Government
Massachusetts Munic	ommunities and Development: 9 ipal Association: 9/27/02 6/19/02 and 7/10/02	9/27/02	
appropriate news least 21 days prio	hearing or comment period papers and sent to persor r to such hearing or comme public hearing or commer	is to who nt period?	the Secretary of State published in m specific notice must be given at 9/27/02-10/18/02
Publication To be compl	leted by the Regulations Di	vision	
MASSACHUSETTS REGI	STER NUMBER:960		DATE: _11/8/02
EFFECTIVE DATE: _09/	01/02		
CODE OF MASSACHUS	ETTS REGULATIONS		A TRUE COPY ATTEST
Remove these pages: CMR: Vol.	Insert these pages:		aple Junin Goles
771 - 778.4	771 - 778.4		WILLIAM FRANCIS GALVIN SECRETARY OF THE COMMONWEALTH DATE 10 24/02 WWJ

130 CMR 515.000:

MASSHEALTH: GENERAL POLICIES

Section

515.001: Definition of Terms 515.002: Introduction to MassHealth 515.003: MassHealth Coverage Types 515.004: Administration of MassHealth 515.005: Receiving Public Assistance from Another State 515.006: Massachusetts Commission for the Blind 515.007: Rights of Applicants and Members 515.008: Responsibilities of Applicants and Members 515.009: Referrals to Investigative Units 515.010: Recovery of Overpayment of Medical Benefits

515.011: Estate Recovery

515.012: Real Estate Liens 515.013: Voter Registration

515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515,001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515,000 through 522,000.

Activities of Daily Living (ADLs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and tolleting.

Affidavit -- a written or printed statement of fact sworn to or affirmed before a person having logal authority to administer such an oath.

Annuity — a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time, or for life.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

(1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;

(2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attomey, or health-care proxy; or

(3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application --- see "MassHealth Application."

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

OCT 1 0 2003



THE COMMONWEALTH OF MASSACHUSETTS

	Regulation Filing To be completed by filing agency
	CHAPTER NUMBER: 130 CMR 515.000
	CHAPTER TITLE: General Policies
,	AGENCY: Division of Medical Assistance
	SUMMARY OF REGULATION: State the general requirements and purposes of this regulation. 130 CMR 515.000 through 522.000 (Volume II) provide the MassHealth requirements for persons who are institutionalized, aged 65 or older, or who would be institutionalized without community-based services as defined by Title XIX of the Social Security Act. The revisions allow members to appeal the Division's decision to recover payment for medical benefits to which the member was not entitled at the time the benefit was received.
}	
	REGULATORY AUTHORITY: M.G.L. c. 118E, ss. 7 and 12
	AGENCY CONTACT: Publications Unit PHONE: 617-210-5650
	ADDRESS: 600 Washington Street, Boston, MA 02111
	Compliance with M.G.L. c. 30A
	BMBRGENCY ADOPTION - If this regulation is adopted as an emergency, state the nature of the emergency.
	PRIOR NOTIFICATION AND/OR APPROVAL - If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.
	Executive Order 384: Final Review submitted on 9/18/03 Executive Office of Communities and Development: notice sent 4/11/03 Massachusetts Municipal Association: notice sent 4/11/03
)	PUBLIC REVIEW-M.G.L. c. 30A. §§ 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and set to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.
	Date of public hearing or comment period: 4/11/03—5/2/03

FISCAL EFFECT - Estim	ate the fiscal effect of the	e public and private	sectors.
For the first and second y	/ear:		--
For the first five years:			
No fiscal effect:	This is correct.		
reporting, record keeping	and other compliance re Ther this regulation dupli	quirements as well a cates or conflicts wi	mall business. Include a description of s the appropriateness of performance versus th any other regulation. If the purpose of this
CODE OF MASSACHUS	ETTS REGULATIONS	INDEX - List key su	bjects that are relevant to this regulation:
Massachusetts Regulations		ce or amend. List by	
ATTESTATION - The reg this agency. ATTEST:	ulation described herein	and attached hereto	is a true copy of the regulation adopted by
signature:Bat	n Waldwer		DATE: 9/26/13
Publication - To be comp	pleted by the Regulation	ns Division	
Massachusetts reg	ISTER NUMBER:	984	DATE: 10/10/03
EFFECTIVE DATE: 1	0/10/03		•
CODE OF MASSACHUS) Remove these pages:	ETTS REGULATIONS Insert these pages:	· 	· .
771 770			A TRUE COPY ATTEST
771-772 778.1-778.2	771-772 778.1-778.2		WILLIAM FHANCIS GALVIN SECRETARY OF THE COMMONWEALTH ATE 1117 CLERK 1.4

MASSHEALTH: GENERAL POLICIES 130 CMR 515.000:

Section

515.001: Definition of Terms 515.002: Introduction to MassHealth 515,003: . MassHealth Coverage Types 515.004: Administration of MassHealth 515.005: Receiving Public Assistance from Another State 515.006: Massachusetts Commission for the Blind 515.007: Rights of Applicants and Members 515.008: Responsibilities of Applicants and Mombers 515.009: Referrals to Investigative Units 515.010: Recovery of Overpayment of Benefits

515.011: Estate Recovery

515.012: Real Estate Liens

515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515,001; Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit — a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time, or for life.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

(1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf

(2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or

(3) is an eligibility representative meeting the requirements of 130 CMR, 515.001: Appeal Representative(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - ree "MassHealth Application."

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.

the first to the first transfer transfer to the first transfer tran

SEP 2 2 2006



THE COMMONWEALTH OF MASSACHUSETTS William Francis Galvin

Secretary of the Commonwealth

CHAPTER NUMBE	R: 130 CMR 515.000		
CHAPTER TITLE:	MassHealth: General Policie		
AGENCY: Division	of Medical Assistance		
THIS REGULATION	I WAS ORIGINALLY ADOP	TED AS AN EI	MERGENCY:
Published in .	Massachusetts Register Numbe	er: <u>1056 </u>	Date: 07/14/06 tion to and/or approval of the Governor,
Legislature or others Government Advisor) Executive Office of (was required, list each notifice Commission. Communities and Developmen cipal Association: 06/30/06	ation, apayor ap	proval and date, including notice to the Loca
Executive Order 384	: 06/30/06	equires notice o	of the hearing or comment period to be filed w
Executive Order 384 PUBLIC REVIEW- the Secretary of the Counts be given at least Date of public	: 06/30/06 M.G.L. c. 30A, §§ 2 and/or 3 r Commonwealth, published in ap 21 days prior to such hearing chearing or comment period:	opropriate news or comment per 07/01/06 throug	papers, and set to persons to whom specific in riod.
Executive Order 384 PUBLIC REVIEW- the Secretary of the Comust be given at least Date of public Publication - To be	: 06/30/06 M.G.L. c. 30A, §§ 2 and/or 3 r commonwealth, published in ap 21 days prior to such hearing chearing or comment period: completed by the Regulation	opropriate news or comment per 07/01/06 throug	papers, and set to persons to whom specific in riod. gh 08/08/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Comust be given at least Date of public Publication - To be	M.G.L. c. 30A, §§ 2 and/or 3 recommonwealth, published in apple 21 days prior to such hearing the hearing or comment period:	opropriate news, or comment pe 07/01/06 throug or Division	papers, and set to persons to whom specific in rlod. gh 08/08/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Conust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE:	M.G.L. c. 30A, §§ 2 and/or 3 r. commonwealth, published in application of the common period:	opropriate news, or comment per 07/01/06 through s Division #1061	papers, and set to persons to whom specific in riod. gh 08/08/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Comust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE:	M.G.L. c. 30A, §§ 2 and/or 3 recommonwealth, published in ap 21 days prior to such hearing the hearing or comment period: completed by the Regulation REGISTER NUMBER: 2/8/06 HUSETTS REGULATIONS	opropriate news, or comment per 07/01/06 through s Division #1061	papers, and set to persons to whom specific in riod. gh 08/08/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Comust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE:	M.G.L. c. 30A, §§ 2 and/or 3 r. Commonwealth, published in ap 21 days prior to such hearing thearing or comment period: completed by the Regulation REGISTER NUMBER: 2/8/06 HUSETTS REGULATIONS Insert these pages:	opropriate news, or comment per 07/01/06 through s Division #1061	papers, and set to persons to whom specific riod. sh 08/08/06 DATE: 9/22/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Conust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE: CODE OF MASSAC Remove these pages: 771, 772	M.G.L. c. 30A, §§ 2 and/or 3 recommonwealth, published in ap 21 days prior to such hearing the hearing or comment period: completed by the Regulation REGISTER NUMBER: 2/8/06 HUSETTS REGULATIONS	opropriate news, or comment per 07/01/06 through s Division #1061	DATE: 9/22/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Conust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE: CODE OF MASSAC Remove these pages:	M.G.L. c. 30A, §§ 2 and/or 3 r. Commonwealth, published in ap 21 days prior to such hearing thearing or comment period:	opropriate news, or comment per 07/01/06 through s Division #1061	DATE: 9/22/06
Executive Order 384 PUBLIC REVIEW- the Secretary of the Conust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE: CODE OF MASSAC Remove these pages: 771, 772	M.G.L. c. 30A, §§ 2 and/or 3 r. Commonwealth, published in ap 21 days prior to such hearing thearing or comment period:	opropriate news, or comment per 07/01/06 through s Division #1061	DATE: 9/22/06 A TRUE COPY ATTEST Sullin Suning Gallich
Executive Order 384 PUBLIC REVIEW- the Secretary of the Comust be given at least Date of public Publication - To be MASSACHUSETTS EFFECTIVE DATE: CODE OF MASSACOMANDE CODE OF	M.G.L. c. 30A, §§ 2 and/or 3 r. Commonwealth, published in ap 21 days prior to such hearing thearing or comment period:	opropriate news, or comment per 07/01/06 through s Division #1061	papers, and set to persons to whom spective riod. sh 08/08/06 DATE: 9/22/06

SEP 2 2 2006

130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: OHNERAL POLICIES

Section

515.001: Definition of Terms

515.002: Introduction to MassHealth
515.003: MassHealth Coverage Types
515.004: Administration of MassHealth
515.005: Receiving Public Assistance from Another State
515.006: Massachusetts Commission for the Blind
515.007: Rights of Applicants and Members
515.008: Responsibilities of Applicants and Members
515.009: Referrals to Investigative Units
515.010: Recovery of Overpayment of Benefits
515.011: Betate Recovery
515.012: Real Estate Liens
515.013: Voter Registration

515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515,001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515,000 through 522,000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact swom to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

(1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;

(2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or

(3) is an eligibility representative meeting the requirements of 130 CMR 515.001: <u>Appeal</u> Representative(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "MassHealth Application."

Asset Limit - the maximum dolfar-value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(c)(5).





THE COMMONWEALTH OF MASSACHUSETTS

Motice of Compliance

Regulation Filing	o be completed by filing agency	
CHAPTER NUMBER: 130	CMR 515.000	
CHAPTER TITLE: Mas	sHealth: General Policies	
AGENCY: Div	sion of Medical Assistance	
THIS REGULATION WAS O	RIGINALLY ADOPTED AS AN EMERGENC	
Published in Massachuse	500 March 1971 1971 1971 1971 1971 1971 1971 197	Date: 10/30/2009
PRIOR NOTIFICATION AND		nd/or approval of the Governor,
Legislature or others was requ Government Advisory Commis	ired, list each notification, and/or approval and da sion.	te, Including notice to the Local
Executive Order 485: 07/23/09 Executive Office of Communi Massachusetts Municipal Ass	iles and Development: 10/02/09	er e
PUBLIC REVIEW - M.G.L.	c. 30A sections 2 and/or 3 requires notice of the i	hearing or comment
period he filed with the Secreta	ry of the Commonwealth, published in appropriat e must be given at least 21 days prior to such he	e newspapers, and sent to
Date of public hearing or		
AGENCY CONTACT: Sh	aron Johnson, MassHealth Publications	PHONE: 617-210-5650
ADDRESS: 600	Washington Street, Boston, MA 02111	
ATTESTATION - The regu	lation described herein and attached hereto is a	true copy of the regulation
1505 T 51524 - 515 2250 2250 E	ATTEST:	4
SIGNATURE:	Sharn L. Orhus	DATE:
	ed by the Regulations Division	
MASSACHUSETTS REGIS		DATE: 12/11/09
EFFECTIVE DATE:	12/1/08	
CODE OF MASSACHUSET	TS REGULATIONS	(i)Galacan
Remove these pages:	Insert these pages:	A TRUE COPY ATTEST
771, 772 777, 778	771, 772 777, 778	Della Francis Balein
·		SECRETARY OF THE COMMONWEALTH DATE 11/25/09 CLERK CYY

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

515.001:	Definition of Terms
515.002:	Introduction to MassHealth
515.003:	MassHealth Coverage Types
515.004:	Administration of MassHealth
515.005:	Receiving Public Assistance from Another State
515.007:	Rights of Applicants and Members
515.008:	Responsibilities of Applicants and Members
515.009:	Referrals to Investigative Units
515.010:	Recovery of Overpayment of Benefits
515.011:	Estate Recovery
515.012:	Real Estate Liens
515.013:	Voter Registration

515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHea1th, as described in 130 CMR 515.000 through 522.000.

<u>Activities of Daily Living (ADLs)</u> - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

<u>Annuity</u> - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: <u>Appeal Representative(1)</u> or (2).

<u>Applicant</u> - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "MassHealth Application."

<u>Asset Limit</u> - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).



THE COMMONWEALTH OF MASSACHUSETTS

Notice of Compilar	ice
--------------------	-----

Regulation Filing	To be completed by fili	ing agency		
CHAPTER NUMBER:	130 CMR 515.000			
				
CHAPTER TITLE:	MassHealth: General Police	eles		
AGENCY:	Division of Medical Assist	ance		
THIS REGULATION WA	AS ORIGINALLY ADOPTE	D AS AN EMERGENCY:		
Published in Massach	nusetts Register Number:	1150 D)ate:	02/19/2010
PRIOR NOTIFICATION	AND/OR APPROVAL -	If prior notification to and	or approval of the	e Governor,
Legislature or others was Government Advisory Con	required, list each notificatio nmission.	n, and/or approval and date	, Including notice	to the Local
Executive Order 485: 12/ Executive Office of Comm Massachusetts Municipal	nunities and Development:	02/05/10		
PUBLIC REVIEW - M.	G.L. c. 30A sections 2 and/o	r 3 requires notice of the hea	aring or comment	
period be filed with the Se persons to whom specific	cretary of the Commonwealt notice must be given at least	t 21 days prior to such heari	newspapers, and ng or comment pe	sent to eriod.
Date of public hearing	j or comment period:	02/05/10-02/26/10		
AGENCY CONTACT:	Sharon Johnson, MassHe	alth Publications	PHONE: <u>61</u>	7-210-5650
ADDRESS:	600 Washington Street, B	oston, MA 02111		
	t de la Marthaute	and all about horoto in a tru	a again of the real	ulation
	regulation described herein	and attached hereto is a tru	a copy of the regi	nation .
adopted by this agency.	Sharn L. Cohs	`	DATE:	2-10
SIGNATURE:	/		- DATE:	
MASSACHUSETTS RE	npleted by the Regulations		DATE: 4	/30/10
		1155	4/	30/10
EFFECTIVE DATE:	7/1/09 SETTS REGULATIONS			
	Insert these page	Y00'	ATPUE	CORV
Remove these pages: 771, 772 778.1 - 778.	771, 7		& Que -	MANER GALLER
	1			

130 CMR 515.000:

MASSHEALTH: GENERAL POLICIES

Section

515.001: Definition of Terms
515.002: Introduction to MassHealth
515.003: MassHealth Coverage Types
515.004: Administration of MassHealth
515.005: Receiving Public Assistance from Another State
515.007: Rights of Applicants and Members
515.008: Responsibilities of Applicants and Members
515.009: Referrals to Investigative Units
515.010: Recovery of Overpayment of Medical Benefits
515.011: Estate Recovery
515.012: Real Estate Liens

515.012: Real Estate Liens 515.013: Voter Registration

515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

<u>Annuity</u> - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

is sufficiently aware of the appellant's circumstances to assume responsibility for the
accuracy of the statements made during the appeal process, and who has provided the Board
of Hearings with written authorization from the appellant to act on the appellant's behalf
during the appeal process;

(2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or

(3) is an eligibility representative meeting the requirements of 130 CMR 515.001: <u>Appeal Representative</u>(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "Senior Medical Benefit Request (SMBR)."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).



THE COMMONWEALTH OF MASSACHUSETTS

witte of Compliance

	Regulation Filing	To be completed by filing agency
	CHAPTER NUMBER:	130 CMR 515.000
	CHAPTER TITLE:	MassHealth: General Policies
	AGENCY:	Division of Medical Assistance
	THIS REGULATION WA	S ORIGINALLY FILED AS AN EMERGENCY:
	Published in Massach	usetts Register Number: 1179 Date: 04/01/2011
	Government Advisory Con Executive Order 485: 12/2 Executive Office of Comm Massachusetts Municipal	required, list each notification, and/or approval and date, including notice to the Local armission. 20/10 nunities and Development: 03/18/11 Association: 03/18/11
9	noriod including a small h	G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment usiness impact statement, be filed with the Secretary of the Commonwealth, ewspapers, and sent to persons to whom specific notice must be given at least 21 or comment period.
	Date of public hearing	or comment period: 03/18/11-04/01/11
	SMALL BUSINESS IMP business impact statemen regulation. If the purpose	ACT - M.G.L. c. 30A section 5 requires each agency to file an amended small t with the Secretary of the Commonwealth prior to the adoption of a proposed of this regulation is to set rates for the state, this section does not apply.
	Date amended small	business impact statement was filed: 04/22/11
	AGENCY CONTACT:	Sharon Johnson, MassHealth Publications PHONE: 617-847-3309
	ADDRESS:	100 Hancock Street, Quincy, MA 02171
	ATTESTATION - The adopted by this agency.	regulation described herein and attached hereto is a true copy of the regulation ATTEST:
7	SIGNATURE:	Sham R. John DATE: 4/20/11

MAY 1.3 2011	by the Regulations Division	
Publication - To be completed MASSACHUSETTS REGISTER		DATE: 5/13/11
EFFECTIVE DATE:	01/18	
CODE OF MASSACHUSETTS		
Remove these pages:	Insert these pages:	A TRUE COPY ATTEST
771 - 778.6	771 - 778.6	aple Francis Galler
		WILLIAM FRANCIS GALVIN SEGRETARY OF THE COMMONWEALTH

130 CMR 515.000: MASSHBALTH: GENERAL POLICIES

Section

515.001: Definition of Terms
515.002: Introduction to MassHealth
515.003: MassHealth Coverage Types
515.004: Administration of MassHealth
515.005: Receiving Public Assistance from Another State
515.007: Rights of Applicants and Members
515.008: Responsibilities of Applicants and Members
515.009: Referrals to Investigative Units
515.010: Recovery of Overpayment of Medical Benefits
515.011: Estate Recovery
515.012: Real Estate Liens
515.013: Voter Registration
515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522,000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

<u>Annuity</u> - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

(1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;

(2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or

(3) is an eligibility representative meeting the requirements of 130 CMR 515.001: <u>Appeal Representative</u> (1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "Senior Medical Benefit Request (SMBR)."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).



THE COMMONWEALTH OF MASSACHUSETTS William Francis Galvin Secretary of the Commonwealth

Regulation Filing	To be completed by filing agency
CHAPTER NUMBER:	130 CMR 515.000
CHAPTER TITLE:	MassHealth: General Policies
AGENCY:	Division of Medical Assistance
processes that have been consistent with the Con related regulations at 42 Chapter 118 of the Acts Demonstration Projects	ATION: State the general requirements and purposes of this regulation. Intended to conform with the changes to eligibility, benefits, and operational an implemented in accordance with the Affordable Care Act (ACA) and are amonwealth's plans for implementation of the federal Affordable Care Act and CFR 433, 435, 440, 447, 457, changes to M.G.L. c. 118E as amended by of 2012 and Chapter 35 of the Acts of 2013, the terms of MassHealth's 1115 and Section 266 of Chapter 224 (State Cost Containment legislation). Sign changes implement the categorical and financial requirements for authorized by the ACA and changes to the Massachusetts state law.
REGULATORY AUTH	
AGENCY CONTACT:	Deborah Briggs, MassHealth Publications PHONE: 617-847-3302
ADDRESS:	100 Hancock Street, Quincy, MA 02171
Compliance with M	
EMERGENCY ADOP	TION - if this regulation is adopted as an emergency, state the nature of the emergency.
Legislature or others v Government Advisory	
EO 145 notification: 0 EO 485 approval: 12/0	9/27/13 and 11/08/13 06/13
PUBLIC REVIEW - including a small busin appropriate newspape such hearing or comm	M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, ness impact statement, be filed with the Secretary of the Commonwealth, published in ers, and sent to persons to whom specific notice must be given at least 21 days prior to nent period.

11/04/13 and 12/02/13

Date of public hearing or comment period:

DEC 2 () 2013			
FISCAL EFFECT - Estimate th	ne fiscal effect of the public a	nd private sectors.	
For the first and second year:	\$1,404,383,394 (gross). This amount reflects the fiscal impact for all amendments in Titles 101 and 130 amended to reflect the ACA.		
For the first five years:	\$4,195,689,680 (gross). This amount reflects the fiscal impact for all amendments in Titles 101 and 130 amended to reflect the ACA.		
No fiscal effect:			
SMALL BUSINESS IMPACT - business impact statement with the regulation. If the purpose of this reg	M.G.L. c. 30A section 5 require Secretary of the Commonwealth Sulation is to set rates for the sta	es each agency to file an amended small th prior to the adoption of a proposed ate, this section does not apply.	
Date amended small business	impact statement was filed:	12/05/13	
CODE OF MASSACHUSETTS F N/A	REGULATIONS INDEX -	List key subjects that are relevant to this regul	allon:
•			
of Massachusetts Regulations (CM 130 CMR 515.001 through 515.004 revised.	IR) or repeal, replace or amend. 1, 515.007, 515.009, 515.011, 5°	and its effect on existing provisions of the Co i. List by CMR number: 15.012, 515.014, and 515.015 are being ed hereto is a true copy of the regulation	
De la constitución de la constit		DATE: 12-6-	-13
SIGNATURE:	4 44 Demilations Division		
Publication - To be completed		12/20/	/13
MASSACHUSETTS REGISTE		0 DATE:12/20/	
EFFECTIVE DATE:	1/1/14		
CODE OF MASSACHUSETTS	REGULATIONS	A TRUE COPY ATTES	ST §
Remove these pages:	Insert these pages:	- Bar Zu Bale	. 4 8
771 - 778.6	771 - 778.10	WILLIAM FRANCIS GALV SECRETARY OF THE COMMONWE DATE 12/6/13 CLERK CY	THE STATE OF THE S
		L	

515.001: continued

Application - see Senior Application.

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as resources as defined in 42 U.S.C. 1396p(e)(5).

Authorized Representative.

- (1) a person or organization designated as the authorized representative of an applicant or member in a completed, signed Authorized Representative Designation Form or similar designation document submitted to the MassHealth agency in which the authorized representative agrees to comply with rules regarding confidentiality in the course of representing the applicant or member, provided that such person or organization must satisfy one of the following criteria:
 - (a) an authorized representative may be a person or organization appointed by the applicant or member to act responsibly on his or her behalf in connection with the eligibility process and other ongoing communications with the MassHealth agency. Such person or organization shall have the authority to complete and sign an application on the applicant's behalf, select a health plan, complete and sign a renewal form, receive copies of the applicant or member's notices and other communications from the MassHealth agency which may include protected health-care information, personal data, and financial information and unless otherwise specified, act on behalf of the applicant or member in all other matters with the MassHealth agency or the Health Connector.
 - (b) an authorized representative may be a person acting responsibly on behalf of the applicant or member who is sufficiently aware of such applicant's or member's circumstances to assume responsibility for the accuracy of the statements made on his or her behalf during the eligibility process and in other communications with the MassHealth agency. Such person shall have the authority to complete and sign an application on the applicant's behalf, select a health plan, complete and sign a renewal form, receive copies of the applicant or member's notices and other communications from the MassHealth agency which may include protected health-care information, personal data, and financial information; or
 - (c) an authorized representative may be a person acting responsibly on behalf of the applicant or member who has, under applicable law, authority to act on behalf of such applicant or member in making decisions related to health care or payment for health care including, but not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy. The extent of such person's authority to act on behalf of the applicant or member is determined by the applicable law or underlying legal document; and
- (2) As a condition of any organization serving as an authorized representative under 130 CMR 515.001: Authorized Representative(1)(a), a provider or staff member or volunteer of such organization must not have a conflict of interest and must affirm that he or she will adhere to 42 CFR part 431, subpart F.

<u>Blindness</u> - a visual impairment as defined in Title XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a 10° radius or less, regardless of the visual acuity.

<u>Burial Trust</u> - a trust established by an individual solely for funeral expenses, burial expenses, or both.

Business Day - any day during which the MassHealth agency's offices are open to serve the public.

Caretaker Relative - an adult who is the primary caregiver for a child, is related to the child by blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is living in the home.